

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 9, 2004. In order to advance prosecution of this case, Applicants amend Claims 3, 4, 6, 12-14, 20, 21, 23, 27-29, and 48. Applicants previously canceled Claims 1, 10, and 18 without prejudice or waiver. Applicants respectfully request Applicants respectfully request reconsideration and favorable action in this case.

Interview Summary

Applicants' Attorney, Mr. Todd A. Cason (Reg. No. 54,020), conducted a telephonic interview with Examiner Philpott on May 5, 2004. Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephonic interview. During the interview, the Examiner and Applicants' Attorney discussed the Examiner's rejections of Applicants' claims. The Examiner and Applicants' Attorney agreed that if Applicants amended the claims as indicated below, the amendment would overcome rejections based on the currently cited references.

Section 103 Rejections

The Examiner rejects Claims 2-9, 11-17, and 19-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,903,371 issued to Arecco et al. ("Arecco") in view of U.S. patent No. 6,512,740 to Baniewicz et al. ("Baniewicz") and U.S. Patent No. 5,532,862 issued to Tada et al. ("Tada"). As amended, Claim 3 recites:

In a TDM network having a plurality of switchable paths to a common destination, a method comprising:

receiving TDM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of predetermined paths originating at the traffic source, each one of said paths having a receive circuit;

configuring a TDM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic based on information exchanged between two or more receive circuits; and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch for routing to a common destination, wherein determining comprises detecting a loss of a keep-alive signal at one of the respective receive circuits.

As the Examiner agreed during the interview, Arecco, Baniewicz, and Tada fail to disclose "determining a qualified copy of the traffic based on information exchanged between two or more receive circuits" as recited by amended Claim 3. Claim 3 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 3 and its dependents.

Although of differing scope from Claim 3, Claims 4, 6, 12-14, 20, 21, 23, 27-29, and 48 include elements that, for reasons substantially similar to those described above with respect to Claim 3, are not disclosed, taught or suggested by the cited references. Claims 4, 6, 12-14, 20, 21, 23, 27-29, and 48 are thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claims 4, 6, 12-14, 20, 21, 23, 27-29, and 48, and their respective dependents.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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